IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 7472 of 2005

Between:

B.V.B. Subba Rao S/o Late Sitaramaiah
R/o D. No. 13-2-2, Tadepallivari Street,

Bapatla, Guntur District

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep by

Principal Secretary to Government Department
of Secondary Education, Secretariat, Hyderabad
2 The District Educational Officer, Guntur District, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the revised pension, gratuity, interest on gratuity at 18% per annum commutation on gratuity for a period of 1 year 6 days and compensation for the belated period of payment gratuity to the petitioner as illegal and contrary to law and it is consequentially prayed that this Hon'ble Court may be pleased to direct the respondents to pay the petitioner Rs. 1,00,000/- towards compensation for the non-payment of gratuity in time violating Article 21 of the Constitution of India and it is consequentially prayed that this Hon'ble Court may be pleased to direct the respondents to pay the petitioner interest on the gratuity at the rate of 18% p.a. for the belated payment of gratuity made on 5-1-2005 after a period of about 5 years from the date of retirement of the petitioner on 30-04-2000 pursuant to the directions of this Hon'ble Court in WP No. 22103/2002 dated 3-11-2004, as has been done in the case of R. Kapoor Vs. Director of Inspection (Planning and Publication) Income Tax and another 1999 (6) Supreme 589 and in the case of Mohammad Zaheeruddin siddiqui 2000 (7)

supreme and pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondent Nos.1 and 2: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondents in not paying the revised pension, gratuity, interest on gratuity at 18% per annum commutation on gratuity for a period of 1 year 6 days and compensation for the belated period of payment gratuity to the petitioner, as illegal and arbitrary, and for consequential direction to the respondents to pay Rs.1,00,000/- towards compensation for the non-payment of gratuity in time, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for School Education.

The case of the petitioner is that there was delay in payment of gratuity, which is attributed to the respondents. The petitioner is also claiming interest at the rate of 18% p.a. on gratuity and Rs.1,00,000/- towards compensation for non-payment of gratuity in time. These factors are required to be pleaded and established before the competent Court or authority by adducing evidence.

Therefore, the petitioner is directed to prosecute his grievances before the appropriate authority or any Court. All the contentions raised in this writ petition are left open.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 06.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Principal Secretary to Government,

Government of Andhra Pradesh,

Department of Secondary Education,

Secretariat, Hyderabad

2. The District Educational Officer,

Guntur District, Guntur

3. Two CCs to the Government Pleader

for School Education, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies